IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

MFA.No. 461 of 2000(B)

OPMV.604/1996 of MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPALAM

.....

APPELLANT:

THOMAS JOSEPH, AGED 37 YEARS,
S/O JOSEPH, NALPATHAMKALAM HOUSE,
THRIKKALOOR (P.O.),MANNARKKAD TALUK.

BY ADV. SRI.O.P.NANDAKUMAR
SRI.V.A.AJAI KUMAR
SMT.T.THANKAM

RESPONDENTS:

1. MANIKKAN, AGED 28 YEARS,
S/O RAMANKUTTY, KOZHIKPOTTA, VILAYANNUR-P.O.
ALTHUR TALUK

2. P.M.RASHEED, AGED 36 YEARS,
S/O P.M.IBRAHIM, 10/396 NEHRU COLONY
KODUNTHIRAPPULLY, PALAKKAD

3. NEW INDIA ASSURANCE COMPANY LIMITED
M.A.LINE, T.B.ROAD, PALAKKAD

BY ADV. SRI.JACOB SEBASTIAN
SRI.LAL GEORGE

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

- -

M.F.A.No.461 OF 2000

- -

Dated this the 30th day of October, 2007

JUDGMENT

Radhakrishnan, J

Appellant herein is the petitioner in O.P.(MV)No.604/96 on the file of the Motor Accidents Claims Tribunal, Ottapalam. The short question that has arisen for consideration is whether the compensation amount awarded by the Tribunal is just and proper. The accident had occurred on 8.9.95. Petitioner was aged 35 years at the time of the accident and was a teacher in parallel college. He had sustained 7.5% disability. But the doctor who issued A12 disability certificate is not the doctor who treated petitioner. Considering this fact and the disability pointed out in Ext.A12, Tribunal awarded Rs.12,000/- as compensation for the injury and under disability factor and Rs.6,000/- towards temporary loss of earning. In all other heads Tribunal awarded reasonable compensation. Tribunal awarded a total compensation of Rs.31,189/-.

In the entire facts and circumstances of the case, we find no reason to interfere with the award passed by the Tribunal. This appeal lacks merit and it is dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

jes